

EPA and Army Corps Issue Wetlands Decision

The Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) today reiterated the Administration's commitment to the goal of "no net loss" of wetlands in the United States. EPA and the Corps announced that they would not issue a new rule on federal regulatory jurisdiction over isolated wetlands.

"Today we are reaffirming and bolstering protections for wetlands, which are vital for water quality, the health of our streams and wildlife habitat," said EPA Administrator Mike Leavitt.

Assistant Secretary of the Army John Paul Woodley Jr. added, "We will continue our efforts to ensure that the Corps' regulatory program is as effective, efficient and responsive as it can be."

The Supreme Court's 2001 decision in the case of *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (commonly referred to as "SWANCC") overturned the Corps' assertion of federal jurisdiction over certain isolated wetlands based on the presence of migratory birds. EPA and the Corps responded by issuing revised guidance to their field offices. At the same time, the Agencies reaffirmed federal jurisdiction over the majority of wetlands not impacted by the decision.

After soliciting public comment to determine if further regulatory clarification was needed, the EPA and the Corps have decided to preserve the federal government's authority to protect our wetlands. The agencies will continue to monitor implementation of this important program to ensure its effectiveness.

The Administration is currently implementing dozens of programs to protect and restore millions of acres of our Nation's wetlands. These include the Food Security Act's "Swampbuster" requirements and the Wetlands Reserve Program, both under the authority of the U.S. Department of Agriculture. EPA programs include its "Five-Star Restoration" grant program, the EPA wetlands grants programs and the National Estuary Program. Other federal programs include: the Fish and Wildlife Service's "Partners in Wildlife" program, the National Marine Fisheries Service's Coastal Wetlands Restoration Program and the Migratory Bird Conservation Commission, composed of the Secretaries of Interior and Agriculture, the Administrator of EPA, and Members of Congress.

For information on wetlands regulation, interested persons may contact the Corps Regulatory Branch website at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>.